

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

MAY 07 2013

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

W. SCOTT HARKONEN, M.D.,

Defendant - Appellant.

Nos. 11-10209

11-10242

D.C. No. 3:08-cr-00164-MHP-1  
Northern District of California,  
San Francisco

ORDER

Before: D.W. NELSON, TASHIMA, and MURGUIA, Circuit Judges.

Judge Murguia votes to deny the petition for rehearing en banc and Judges Nelson and Tashima so recommend.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for rehearing en banc is denied.